

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL MISC.APPLICATION No 3333 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE A.K.TRIVEDI

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1. Whether Reporters of Local Papers may be allowed : YES
to see the judgements?
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge? : NO

VIMAL GORDHANBHAI PATOLIYA

Versus

STATE OF GUJARAT

Appearance:

MR PRAVIN GONDALIYA for Petitioner

Mr. K.T. Dave, A.P.P. for the respondent.

CORAM : MR.JUSTICE A.K.TRIVEDI

Date of decision: 22/06/1999

ORAL JUDGEMENT

Rule. Learned A.P.P. Mr. K.T Dave waives service
of rule on behalf of the respondent-State.

The petitioner has prayed for anticipatory bail
in respect to crime registered at Rajkot City "B"
Division Police Station, Rajkot District vide vide CR
no.52/99.

The petitioner has produced a copy of F.I.R. filed on 13th January, 1999 by one Kherunben w/o Yunusbhai making allegation against the petitioner for having committed offence made punishable under Sec.363, IPC only. The said offence being bailable, the petition, at this stage, cannot be said to be maintainable.

Learned Advocate for the petitioner has shown apprehension that during course of investigation, police authority might add more allegation in respect to offence made punishable under Sec.366 and/or Sec.376, IPC.

Learned A.P.P. Mr. K.T.Dave has fairly stated at the Bar that as per instructions given to him by the Investigating Officer no such allegations are made upto now and as such, there is no question of granting anticipatory bail to the petitioner. It would be just and proper for the petitioner to approach the concerned officer and to obtain the bail. Learned A.P.P. has further stated that the Investigating Officer shall be informed to act in accordance with law. In view of this, the petition stands disposed of as not pressed. Rule is discharged.

(A.K.Trivedi,J.)

stanley-akt.